

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

PATRICIA BURKE, )  
                          )  
                          )  
Plaintiff,            )  
                          )  
v.                     )                   Case No. 1:16cv1256 (LO/JFA)  
                          )  
                          )  
JAMES MATTIS, Secretary, United States            )  
Department of Defense,                            )  
                          )  
                          )  
Defendant.            )  
                          )  
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**DEFENDANT'S EXHIBIT LIST**

Pursuant to this Court's order of February 15, 2017 (Dkt. No. 10), Defendant James Mattis, Secretary, United States Department of Defense, through his undersigned counsel, hereby respectfully submits the following list of potential exhibits for the trial of the above-captioned matter. Defendant reserves the rights to elect not to seek the introduction of any of these exhibits at trial, and to re-arrange the numbering sequence prior to trial.

**EXHIBITS**

As per this Court's initial scheduling order, this list does not include exhibits that Defendant might seek to introduce as impeachment or rebuttal evidence. The exhibit list below also reflects only the present status of this litigation. Accordingly, Defendant reserves the right to amend this list—including eliminating proposed exhibits—should further litigative developments (including, *inter alia*, positions advanced by Plaintiff) warrant.

1. Microsoft Exchange Calendar invitation from F. Malafarina, dated August 1, 2013.
2. Email from P. Burke to F. Malafarina, "RE: DSS 280," dated September 6, 2013, with attachment.

3. Email from F. Malafarina to P. Burke, “RE: DSS 280,” dated September 6, 2013, with attachment.
4. Email from P. Burke to M. Benitez, “FW: DSS 280,” dated September 9, 2013.
5. Email from P. Burke to M. Benitez, “Meeting,” dated September 9, 2013.
6. Email from P. Burke to C. Taylor, “RE: DSS 280,” dated September 9, 2013.
7. Email from P. Burke to M. Benitez, “FW: DSS 280,” dated September 9, 2013.
8. Email from P. Burke to F. Malafarina, “FW: DSS 280,” dated September 9, 2013, with attachment.
9. Email from P. Burke to M. Benitez, “FW: DSS 280,” dated September 10, 2013.
10. Email from F. Malafarina to J. Boick et al., “FW: CWS Policy Memorandum - CI,” dated September 13, 2013, with attachments.
11. Email from C. Taylor to P. Burke, “FW: DSS 280,” dated September 30, 2013, with attachments.
12. Email from F. Malafarina to C. Taylor et al., “FW: Compressed Work Schedule in the short term,” dated October 7, 2013.
13. Email from P. Burke to M. Benitez, “Meeting,” dated October 9, 2013.
14. Email from E. Blackmon to P. Burke, “RE: Reasonable Accommodations Request,” dated October 24, 2013.
15. Email from E. Blackmon to C. Taylor, “Reasonable Accommodation Request,” dated October 24, 2013.
16. Email from P. Burke to M. Benitez, “FW: Detail,” dated October 30, 2013.
17. Email from P. Burke to M. Benitez, “FW: Telework,” dated November 7, 2013.
18. Email from P. Burke to M. Benitez, “FW: FY 14 Expectations and Goals,” dated November 19, 2013, with attachment.
19. Email from P. Burke to M. Benitez, “FYI,” dated December 12, 2013.
20. Email from C. Taylor to F. Malafarina, “Maxiflex Forms for Cobbs and Burke,” dated December 24, 2013, with attachments.
21. Email from C. Taylor to J. Horvath, “MaxiFlex Schedule,” dated January 7, 2014.
22. Email from P. Burke to M. Benitez, “FW: Re-cap,” dated January 10, 2014.

23. Email from P. Burke to M. Benitez, “FW: Monday 27 Jan 2014,” dated January 30, 2014.
24. Email from R. Cable to F. Malafarina, “RE: Furlough and Telework?,” dated February 6, 2014, with attachments.
25. Email from C. Taylor to R. Boyer et al., “Items for CI Operations Staff Meeting 11Feb 2014,” dated February 10, 2014.
26. Email from C. Taylor to C. Cobbs, “MaxiFlex Schedule Rules for Operations Division,” dated February 14, 2014.
27. Email from C. Taylor to P. Burke and P. Purdy, “FW: MaxiFlex Schedule Rules for Operations Division,” dated February 14, 2014.
28. Email from C. Taylor to F. Malafarina, “Ms. Burke’s Claim of Hostile Emails,” dated February 19, 2014, with attachments.
29. Email from P. Burke to M. Benitez, “FW: REVISED EOM Report and End of Month Metrics Timeline,” dated February 19, 2014, with attachment.
30. Email from P. Burke to M. Benitez and C. Lyle, “FW: Meeting,” dated February 26, 2014.
31. Email from C. Taylor to P. Burke, “Meeting to Discuss Tour of Duty – March 3, 2014 at 1300 hours,” dated February 27, 2014.
32. Email from P. Burke to M. Benitez, “FW: Today 28 Feb 14,” dated February 28, 2014.
33. Email from P. Burke to M. Benitez and C. Lyle, “FW: Meeting to Discuss Tour of Duty – March 3, 2014 at 1300 hours,” dated March 4, 2014.
34. Email from C. Taylor to P. Burke, “Work Schedule,” dated March 5, 2014, with attachment.
35. Email from P. Burke to M. Benitez and C. Lyle, “FW: Letter of Expectation,” dated March 10, 2014, with attachment.
36. Email from P. Burke to C. Lyle and M. Benitez, “FW: Letter of Expectation,” dated March 10, 2014.
37. Email from C. Taylor to P. Burke, “Congratulations on the new Baby,” dated August 21, 2014.
38. Email from P. Purdy to C. Taylor, “Today,” dated February 23, 2015.
39. Email from M. Allen to W. Stephens, “Re: Move,” dated October 22, 2015.

40. DSS Regulation 08-12, dated April 5, 2004.
41. DSS Regulation 11-575, dated November 17, 2008, and incorporating Change 1, August 19, 2010.
42. Action Memo from L. Samuel to Director, Defense Security Service, ‘Revised Delegation of Authority to Approve Recruitment, Relocation, and Retention Incentives (DSS Regulation 575, ‘Recruitment, Relocation, and Retention Incentives’).’
43. DSS Regulation 11-610, incorporating Change 1, March 21, 2012.
44. DSS Regulation 11-610.1, dated May 21, 2010, and incorporating Change 2, April 23, 2013.
45. DSS Regulation 11-1400.25-Volume 1011, dated October 3, 2011.
46. DSS Regulation 1400.25-V2004, dated September 16, 2011, and incorporating Change 2, May 4, 2012.
47. Email from P. Burke to P. Purdy, “Memo from the Director: Budgetary Challenges and Administrative Furloughs,” dated May 15, 2013.
48. Floor plan of the SCIF at Russell-Knox Building, Quantico, Virginia.
49. Photographs of the SCIF interior at Russell-Knox Building, Quantico, Virginia.
50. Calendar invitation, dated September 10, 2013.
51. Calendar invitation, dated October 10, 2013.
52. Memorandum from C. Taylor to P. Burke, “Work Schedule Request - February 19, 2014,” dated February 20, 2014.
53. Memorandum from J. Berry, “Nursing Mothers in Federal Employment,” dated December 22, 2010.
54. Memorandum from R. Allen, “Nursing Mothers in the Workplace,” dated April 14, 2014.
55. Defense Civilian Intelligence Personnel System, Position Description Coversheet, “Intelligence Operations Specialist,” dated January 29, 2010.
56. Defense Civilian Intelligence Personnel System, Position Description Coversheet, “Intelligence Operations Specialist,” dated June 27, 2012.
57. Defense Civilian Intelligence Personnel System, Position Description Coversheet, “Program Analyst,” dated November 12, 2015.

58. Email from P. Burke to M. Benitez, "FW:," dated August 30, 2013, with attachment.
59. Email from P. Burke to C. Williams, "FW: Coversheet Fld Supt Analyst," with attachment.
60. Performance Objectives and Element Rating Descriptions.
61. Defense Civilian Intelligence Personnel System (DCIPS), Performance Evaluation of Record, P. Burke, Performance Year 2011.
62. Defense Civilian Intelligence Personnel System (DCIPS), Performance Evaluation of Record, P. Burke, Performance Year 2012.
63. Defense Civilian Intelligence Personnel System (DCIPS), Performance Evaluation of Record, P. Burke, Performance Year 2013.
64. DCIPS, Performance Appraisal Application, P. Burke, Performance Year 2013.
65. Defense Security Service, Request for Reasonable Accommodation by P. Burke, dated October 17, 2013.
66. Memorandum from C. Taylor to P. Burke, "Request for Additional Medical Documentation," undated.
67. Memorandum from C. Taylor to P. Burke, "Request for Additional Medical Documentation," dated October 29, 2013.
68. Standard Form 50 for P. Purdy, effective date January 3, 2011.
69. Standard Form 50 for P. Purdy, effective date January 1, 2012.
70. Standard Form 50 for P. Burke, effective date November 29, 2015.
71. Standard Form 52 for P. Purdy, effective date October 1, 2011.
72. Department of Defense, Telework Agreement for P. Burke, February 21, 2013, to October 4, 2015.
73. Department of Defense, Telework Agreement for P. Burke, September 11, 2013, to September 11, 2015.
74. Telework.gov, Certificate of Completion for P. Burke, dated February 22, 2013.
75. Screenshot of telework.gov training module, last visited August 29, 2013.
76. Any other document listed by Plaintiff to which Defendant does not object.

Dated: July 13, 2017

Respectfully submitted,

DANA J. BOENTE  
UNITED STATES ATTORNEY

By: \_\_\_\_\_ /s/  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 13, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of electronic filing (NEF) to the following counsel of record:

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